

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

LAKELAND OFFICE SYSTEMS, INC.,
and LAKELAND FINANCIAL
SERVICES, LLC.,

Plaintiffs,

vs.

SURREY VACATION RESORTS, INC.
d/b/a GRANDE CROWN RESORTS
and/or DYNAMIC PRINTING and/or
CAPITAL RESORTS, et al.,

Defendants.

Case No. 16-CV-273-CVE-FHM

OPINION AND ORDER

Defendant Capital Resorts Group, LLC's (CRG) Motion to Stay Discovery Pending Resolution of Motion to Dismiss, [Dkt. 34], has been referred to the undersigned United States Magistrate Judge for decision. Plaintiffs have filed a response objecting to any stay of discovery. [Dkt. 42]. The discovery deadline is November 30, 2016. [Dkt. 23]. Plaintiffs' motion to compel, [Dkt. 33], is pending.

The motion to dismiss for lack of jurisdiction over CRG, [Dkt. 19], is pending. CRG argues that, given its assertion that the court lacks personal jurisdiction over it, CRG should not be put to the burden or expense of responding to discovery. CRG asserts that the facts and circumstances of this case justify the entry of a stay of discovery. CRG asserts that it was not a party to the copier agreements sued upon and that it should not unnecessarily be put to burden and expense in this case, given the claim of lack of personal jurisdiction. CRG further asserts that Plaintiffs have obtained an entry of default against the only parties who were contractually obligated under the copier agreements sued upon. Plaintiffs object

to any stay of discovery, arguing that the motion to stay is untimely, having been filed three weeks before the discovery deadline and after Plaintiffs filed a motion to compel.

The court is persuaded that it should exercise its discretion in favor of staying discovery pending resolution of the motion to dismiss. Under the circumstances presented, it would be wasteful of the resources of the parties and the court for the parties to pursue discovery until the motion to dismiss is resolved. Further, since the discovery deadline will be reset after the motion to dismiss is resolved, there will be no prejudice to Plaintiffs.

Defendant Capital Resorts Group, LLC's (CRG) Motion to Stay Discovery Pending Resolution of Motion to Dismiss, [Dkt. 34], is GRANTED. A new discovery deadline will be set after the motion to dismiss is resolved.

SO ORDERED this 30th day of November, 2016.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE